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 ARTICLE APPEARED
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BALTIMORE SUN
 8 May 1986

Washington Post gets U.S. warning over publishing intercepted secrets

By Lyle Denniston
 Washington Bureau of The Sun

WASHINGTON — A senior editor of *The Washington Post* said yesterday that the newspaper has been warned that it and other news organizations may be charged with crimes for publishing stories dealing with U.S. interceptions of other nations' secret messages.

Leonard Downie Jr., the Post's managing editor, said the warning came last Friday from Central Intelligence Agency Director William J. Casey — the same day that Mr. Casey reportedly discussed such prosecutions with a high Justice Department official.

Mr. Downie said that the CIA director had said that he was not threatening the Post or any other news outlet, but that he personally was satisfied that a 1950 law against revealing such interceptions had been violated.

The editor added that Mr. Casey had said he would recommend prosecution of the Post if it went ahead with a planned story dealing with so-called "communications intelligence." Mr. Downie would not disclose the contents of that story or say whether the Post planned to publish it.

At the Justice Department, which would handle any criminal prosecution under federal law, officials were making an effort yesterday to avoid involvement in the new government-press controversy. A spokesman, Patrick Korten, said that Attorney General Edwin W. Meese III "wants us to give a 'no comment' on anything having to do with this."

The Post's managing editor said the warning came last Friday from CIA Director William J. Casey.

The spokesman said that "there is no clear indication as to what we in the department will do, if anything."

Mr. Korten would not confirm a report by Post editors that Mr. Casey had met with Deputy Attorney General D. Lowell Jensen to talk about possible prosecutions for disclosures of "communications intelligence."

The CIA referred all calls about the matter to the Justice Department. "We don't have anything to say about it at all," spokeswoman Sharon Foster said.

Mr. Downie said that he and Post executive editor Benjamin C. Bradlee met with Mr. Casey last Friday, at Mr. Casey's request, regarding the Post's preparation of the still-unpublished story about communications interceptions.

This was one of a number of instances in recent months, Mr. Downie said, in which government officials have "called to express concern" about potential Post stories bearing on national security. The editor said that, in response to those calls, Post editors have decided against publishing some stories and in favor of publishing others.

While talking over a specific future story with Mr. Casey, according to Mr. Downie, the Post editors were told "out of the blue" that the government had identified stories already published by the Post and four other news organizations as "absolute cold violations" of federal law.

It became clear in the conversation, Mr. Downie said, that Mr. Casey was talking about alleged violations of a 1950 law that makes it a crime to publish anything "concerning the communication intelligence activities" of the United States or of any foreign government, when publication is done in a way that is "prejudicial to the safety or interest of the United States." The law carries a maximum penalty of 10 years in prison and a \$10,000 fine.

No news organization has ever been prosecuted in a criminal case for an alleged violation of that law, or for violation of any other federal law designed to protect U.S. secrets and intelligence-gathering techniques.

Mr. Casey, according to Mr. Downie's account of their Friday luncheon conversation, described as violations of the 1950 law stories in the Post and *Newsweek* magazine about U.S. interceptions of secret messages from the Libyan government, and unspecified stories involving "communications intelligence" in *The New York Times*, *The Washington Times*, and *Time* magazine.

Mr. Downie said he understood the conversation to be part of an effort by the Reagan administration "to crack down" on publication of government secrets. Mr. Downie said that an editor of the newspaper also had been told by National Security Agency Director Gen. William Odom — under circumstances Mr. Downie would not reveal — that the government was "dusting off" the 1950 law as a way of dealing with leaks to the press. An NSA spokesman refused to comment on that report.

Meanwhile, in another new government-press controversy, Justice Department officials indicated that they had no plans to try to force the NBC-TV network to disclose the location of its interview this week with Mohammed Abbas, who is the target of an arrest warrant issued by U.S. officials in connection with his alleged role in the hijacking of an Italian cruise ship, the *Achille Lauro*. An American passenger was murdered during that hijacking.